

## **AMENDMENTS TO THE DRAWINGS**

Please amend Figures 2, 4, 6 and 7B as provided in the Replacement Sheets provided herewith.

In summary, Applicant employs reference numerals 12 and 20 to denote cavities, reference numerals 12' and 20' to denote, respectively, associated protuberances, and reference numeral 13 to avoid double usage of reference numeral 12'. No new matter has been added as antecedent support can be found in the application as originally filed. For example, at paragraph [0037], lines 6-7, Applicant describes each protuberance forming a cavity on the outer side of a ply. Applicant has also changed reference symbol "N<sub>1</sub>" in Figure 2 to "N<sub>A</sub>" for consistency with the specification, and has changed reference symbol "D" in Figure 4 to "D<sub>A</sub>" for consistency with the specification.

## **REMARKS / ARGUMENTS**

### **Status of Claims**

Claims 1-12 are pending in the application and stand rejected. Applicant has amended Claims 1, 2 and 5, and has cancelled Claims 13-20, leaving Claims 1-12 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §112, second paragraph, 35 U.S.C. §102(b), and 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

### **Regarding the Examiner's Note**

Applicant thanks the Examiner for providing comments relating to the previously submitted abstract amendment and substitute specification (clean and marked up versions) provided with response paper dated 06 May 2009, which Applicant understands to have not been entered. Consequently, Applicant's response provided herewith is in relation to the abstract and specification existing prior to the response paper dated 06 May 2009.

In remedy of the inconsistencies noted by the Examiner, Applicant herein provides a new Substitute Specification (marked-up and clean versions), and an amendment to the Abstract.

### **Drawing Objections**

The drawings are objected to for reasons relating to reference symbols "N<sub>A</sub>" and "D<sub>A</sub>", and reference numeral "20". Applicant has amended the specification and drawings as set forth herein to correct for these inconsistencies. Accordingly, Applicant respectfully requests reconsideration and withdrawal of these objections, which Applicant considers to be overcome.

### **Claim Objections**

Claims 1-12 are objected because they include reference characters, which are not enclosed in parentheses.

Applicant has amended the claims as set forth herein to overcome these objections.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these objections, which Applicant considers to be overcome.

### **Rejections Under 35 U.S.C. §112, Second Paragraph**

Claims 1-12 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Applicant overcomes this rejection for the following reasons.

#### **Regarding Claim 1**

Applicant has amended Claim 1 to now recite, inter alia, “the first zones (A<sub>1</sub>) each being delimited by a continuous contour (D) formed by a marking line.” No new matter has been added as antecedent support can be found in the originally filed specification, such as at paragraph [0034] for example.

Here, and merely to clarify the relationship of claimed contour (D) with respect to other claimed elements, Applicant claims first zones that are delimited by a continuous contour formed by a marking line. By clarifying the structural arrangement of the claimed elements, Applicant submits that structural definition is provided thereby rendering Claim 1 definite.

#### **Regarding Claim 5**

Applicant has amended Claim 5 to now recite, inter alia, “wherein the embossing of third zones (A<sub>4</sub>) comprises protuberances forming continuous lines”. No new matter has been added as antecedent support can be found in the originally filed specification, such as at paragraph [0065] for example.

Here, and merely to clarify the relationship of claimed elements, Applicant claims embossing of third zones comprising protuberances forming continuous lines, which is described at paragraphs [0064-0065] in relation to Figure 8. Applicant notes that the term “continuous lines” is not limited to only straight lines, but also encompasses curved lines, which is consistent with the description in the originally filed application, and which is consistent with standard dictionary definition of the term “line”.

In view of the foregoing, Applicant respectfully submits that the claimed subject matter is described in such a manner that reasonably conveys to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention, and claimed the invention in clear and definite terms. Accordingly, Applicant respectfully requests reconsideration and withdrawal this rejection, which Applicant considers to be overcome.

#### **Rejections Under 35 U.S.C. §102(b)**

Claims 1-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Edwards et al. (U.S. Patent No. 6,511,579 B1, hereinafter Edwards) taken in view of Merriam-Webster’s online dictionary.

Applicant overcomes this rejection for the following reasons.

Applicant respectfully submits that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the \*\*\* claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir.

1985). “Anticipation of a patent claim requires a finding that the claim at issue ‘reads on’ a prior art reference.” *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1346 (Fed. Cir. 1999) (quoting *Titanium Metals Corp. of Am. V. Banner*, 778 F.2d 775, 781 (Fed. Cir. 1985)).

As set forth herein, Claim 1 recites, inter alia,

“...the first ply ( $P_1$ ) comprises first zones ( $A_1$ ) forming cells with some first protuberances, the cells being surrounded by second zones ( $A_2$ ) with second protuberances, the first zones ( $A_1$ ) being in relief on the outer side in relation to the second zones ( $A_2$ ) with a level difference ( $N_A$ ), the first zones ( $A_1$ ) each being delimited by a continuous contour (D) formed by a marking line.”

No new matter has been added by these amendments as antecedent support may be found in the specification as originally filed. Dependent claims inherit all of the limitations of the respective parent claim.

Here, Applicant is claiming first zones being surrounded by second zones where each of the first zones are delimited by a continuous contour formed by a marking line. In the originally filed application, with illustration in Figure 2, Applicant clearly describes and illustrates the continuous contour (D) to be formed by a marking line via offset  $N_A$ .

In comparing Edwards with the claimed invention, Applicant finds Edwards to disclose and teach first zones (diamond patterns, figures 21b-1 through 21b-3, and figure 21c-1) and second zones (peripheral circles, figure 21c-1), but to be completely absent each of the first zones (diamond patterns) being delimited by a continuous contour formed by a marking line. Quite to the contrary, Applicant finds Edwards to disclose and teach discrete peripheral circles that are unconnected and therefore cannot provide each of the first zones being delimited by a continuous contour formed by a marking line.

In view of the foregoing, Applicant submits that Edwards does not disclose each and every element of the claimed invention arranged as claimed and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §102(b) has been overcome, and requests reconsideration and withdrawal of this rejection.

**Rejections Under 35 U.S.C. §103(a)**

Claim 9 stands rejected under 35 U.S.C. §103(a) as being obvious over Edwards in view of Graff et al. (PCT Publication No. WO 03/050353, hereinafter Graff). It is noted that disclosures set forth with respect to Graff, et al. are based on US 2005/0034828, which is the equivalent of the reference.

Claims 10-12 stand rejected under 35 U.S.C. §103(a) as being obvious over Edwards in view of Roussel et al (U.S. Patent No. 6,524,683 B1, hereinafter Roussel).

Applicant overcomes these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Applicant notes that the combinations of Edwards and Graff, and Edwards and Roussel, are applied only against dependent claims, and are not applied against independent Claim 1. For reasons already set forth herein, Applicant submits that Edwards fails to disclose or teach each and every element of independent Claim 1, and further submits that Graff and/or Roussel fail to cure the deficiencies of Edwards.

Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, and discloses a substantially different invention from the claimed invention,

and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be overcome.

Applicant has amended the claims for presentation in a better form for consideration on Appeal. The claim amendments should only require a cursory review by the Office as they include language merely to remedy previously considered inconsistencies.

In light of the foregoing remarks and amendments, Applicant respectfully submits that the proposed amendments and arguments comply with 37 C.F.R. §1.116 and should therefore be entered, and with their entry that the rejections under 35 U.S.C. §112, second paragraph, 35 U.S.C. §102(b), and 35 U.S.C. §103(a), have been overcome, and that the application is now in condition for allowance. Such action is therefore respectfully requested.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any remaining issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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